

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KARL FUGATE,
Plaintiff,

vs.

RON ERDOS, et al.,
Defendants.

Case No. 1:19-cv-30

Dlott, J.
Bowman, M.J.

ORDER GRANTING PRISONER *IN FORMA*
PAUPERIS STATUS AND ORDERING THE
COLLECTION OF THE FULL FILING FEE

This matter is before the Court on plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1). For the reasons that follow, plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) is **GRANTED**.

In accordance with section 804(a)(3) of the Prison Litigation Reform Act of 1995, 28 U.S.C. § 1915(b)(1), plaintiff must pay an initial partial filing fee of 20 percent of the greater of the average monthly deposits to his prison account or the average monthly balance in his account for the six month period immediately preceding the filing of the complaint. After payment of the initial partial filing fee, plaintiff is further required to make monthly payments of 20 percent of the preceding month's income credited to his prison account until he pays the full amount of the filing fee. 28 U.S.C. § 1915(b)(2).

Plaintiff's application and trust fund account statement reveal that he has insufficient funds in his prison account to pay the full filing fee.

After consideration by this Court of the plaintiff's affidavit of indigence only, without regard to the merits of this case, plaintiff's motion to proceed *in forma pauperis* (Doc. 1) is hereby

GRANTED pursuant to 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(b)(1), the custodian of plaintiff's inmate trust fund account at the institution where he now resides is directed to calculate, as an initial partial payment, twenty percent (20%) of the greater of:

(a) the average monthly deposits to the inmate trust account; or

(b) the average monthly balance in the inmate trust account, for the six (6) months immediately preceding February 28, 2018. The custodian is **ORDERED** to complete and to submit to the Clerk of Court in Cincinnati, Ohio the attached form showing his calculation of the initial partial filing fee. The custodian is further **ORDERED** to forward from plaintiff's prison account to the Clerk of Court located in Cincinnati, Ohio the initial partial filing fee, as funds become available in plaintiff's account until the initial filing fee is paid. Even if the account is under ten dollars (\$10.00), the custodian must still forward payments to the Clerk of Court to pay the initial filing fee.

After full payment of the initial partial filing fee, the custodian shall forward to the Clerk of Court located in Cincinnati, Ohio monthly payments of twenty percent (20%) of plaintiff's preceding monthly income credited to his prison account, but only when the amount in the account exceeds ten dollars (\$10.00), until the full fee of three hundred and fifty dollars (\$350.00) has been paid to the Clerk of the Court. 28 U.S.C. § 1915(b)(2).

The Clerk of Court is **DIRECTED** to send a copy of this Order to the institutional cashier.

The prisoner's name and case number must be noted on each remittance.

Checks are to be made payable to: **Clerk, U.S. District Court.**

Checks are to be sent to:

**Prisoner Accounts Receivable
103 Potter Stewart United States Courthouse
100 East 5th Street
Cincinnati, Ohio 45202**

IT IS SO ORDERED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

CALCULATION OF INITIAL PARTIAL FILING FEE

Prisoner's name _____

Case no.

Average Monthly Balance \$

(For six month period preceding filing of complaint or notice of appeal)

Average Monthly Deposits \$

(For six month period preceding filing of complaint or notice of appeal)

Initial Partial Filing Fee \$

(the greater of the average monthly deposits or the average monthly balance x .20)

Date

Signature of Authorized Officer